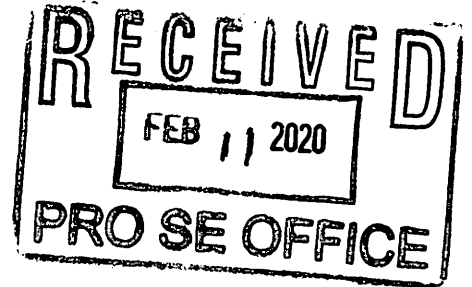


Hon. Margo K. Brodie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

2020 FEB 11 PM 8:50

United States Magistrate Judge Bloom  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201



EK

Re: Capogrosso v. Gelbstein et al, No. 18-cv-2710 (E.D.N.Y.)  
Letter Requesting Deposition Dates at Courthouse and Clarification as to Deposition  
Transportation Costs

Judge Brodie

Judge Magistrate Bloom:

**Matter One: Setting Deposition Dates and Times**

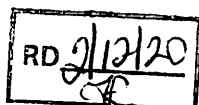
I have been ordered by J. Magistrate Bloom to conduct all depositions of Defendants and witnesses at your Courthouse, 225 Cadman Plaza East, Brooklyn, New York. I do not see the necessity of such an Order but abide by it.

I have contacted the clerk of your Court and he has indicated to me that the proper procedure to secure dates for such depositions is for me to directly petition the Court. As such, I ask this Court for available dates at which I can conduct my depositions at your Courthouse.

I have contacted opposing State Defendant's attorney James Thomson. He has supplied available dates for the State Defendants. I attach our emails as Exhibit A. The dates he offers for the Defendant Traschen is March, 12, 2020, Defendant Gelbstein as March 19, 2020 and Defendant Calvo as April 30, 2020. I require April 29, 2020 for the deposition of Defendant Calvo as to avoid a scheduling conflict.

**Matter Two: Clarification as to Which Party Will be Held Accountable for Transportation Costs**

I seek clarification concerning deposition transportation costs. As I have stated I have been ordered by this Court that I depose all defendants and possible witnesses at the Courthouse, 225 Cadman Plaza Brooklyn, NY.



This is an order of the Court, which I do not understand the necessity of, but I abide by such Order.

Again, Attorney Thomson seeks to abrogate such Order. He states in his email attached that I can depose Defendant Traschen in Albany New York, because she now resides in Troy, New York and is now retired.

My position, I do not seek to circumvent your Order, Attorney Thomson does. See Exhibit A attached. I am required to depose Defendant Traschen in Brooklyn.

In respect hereto, my position, I should not be required to incur the transportation costs of bringing Defendant Traschen (nor of any other witnesses who live in Albany) to Brooklyn. First, I cannot afford it – it is an undue hardship that I cannot bear, and second, it was by the State Attorney M. Siegmund's request, and so ordered by J. Magistrate Bloom, that my depositions be held at your Court.

**Let the party who made the request, the State's Attorney, bear the costs.**

I thus seek clarification of this Court's Order.

Further, I do not seek telephonic depositions at this point in time. I want to face my accusers.

Dated: February 11, 2020  
New Rochelle, New York

  
\_\_\_\_\_  
Mario H. Capogrosso

## **EXHIBIT A**

From: nry4 <nry4@aol.com>

To: James.Thompson <James.Thompson@ag.ny.gov>

Subject: Re: Deposition dates demand

Date: Fri, Feb 7, 2020 12:08 pm

---

Further in response.

1. Attorney Siegmund, State defendants' outgoing attorney herein, asked that I conduct my depositions at the Courthouse.

It was not my request. The Court allowed it over my objections.

Prior to motion practice, I will ask again **will you be seeking travel costs** for Traschen to come to the Courthouse located at 225 Cadman Plaza Brooklyn NY, if I choose to depose Traschen.

2, Also I choose to depose all defendants on same day - do you oppose.  
Is there a day all three defendants - Gelbstein, Traschen and Calvo can appear

3. Do you have alternate deposition days for the the defendants.

Mario H. Capogrosso

-----Original Message-----

From: Thompson, James <James.Thompson@ag.ny.gov>

To: nry4@aol.com <nry4@aol.com>

Sent: Thu, Feb 6, 2020 3:37 pm

Subject: RE: Deposition dates demand

Dear Mr. Capogrosso,

Regarding your request for deposition dates, I have contacted the various State-affiliated deponents on your list, and we propose the following days:

Jean Flanagan – March 5

Ida Traschen – March 12

Alan Gelbstein – March 19

Vincent Palmieri – March 26

Bushra Vahdatlamas – April 9

Danielle Calvo – April 30

I am still figuring out a date for AAG Morgan, but will get back to you with that as soon as practicable.

The depositions are all scheduled for Thursdays and are all at least a week apart, which should hopefully be convenient for the parties and allow plenty of time between depositions for both sides to prepare. Note that Ms. Traschen, Judge Gelbstein, and Ms. Calvo are parties whose depositions can be initiated by a Rule 30 deposition notice, but Ms. Flanagan, Mr. Palmieri, Ms. Vahdatlamas, and AAG Morgan are all nonparties who must be subpoenaed under Rule 45. As Judge Bloom mentioned at the conference, subpoenas need to be served by someone who is not a party to the action.

**From:** nry4 <nry4@aol.com>

**To:** James.Thompson <James.Thompson@ag.ny.gov>

**Subject:** Re: Deposition dates demand

**Date:** Thu, Feb 6, 2020 6:14 pm

---

I know the law.

Do not advocate on my behalf.

The Court ordered me to hold depositions at the Courthouse, which would be 225 Cadman Plaza Brooklyn NY.

**You were there when that order was read into the record.**

**I seek not to circumvent it, do not ask me to.**

Traschen is required to be deposed at the Courthouse.

In respect hereto,

Will you be seeking travel costs for Traschen to come to New York.

I need to know - if yes - I will oppose.

Further I choose to face my accusers, those who put me out of work, Traschen being one of them, face to face I do not consent to a telephonic conference at this time.

In addition I asked for alternative dates - do you have any.

I also seek to depose Gelbstein, Traschen and Calvo on the same day do you oppose.

Mario H. Capogrosso

-----Original Message-----

**From:** Thompson, James <James.Thompson@ag.ny.gov>

**To:** nry4@aol.com <nry4@aol.com>

**Sent:** Thu, Feb 6, 2020 3:37 pm

**Subject:** RE: Deposition dates demand

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Ida Traschen – March 12

Alan Gelbstein – March 19

**From:** Thompson, James <James.Thompson@ag.ny.gov>  
**To:** nry4@aol.com <nry4@aol.com>  
**Subject:** RE: Deposition dates demand  
**Date:** Thu, Feb 6, 2020 3:37 pm  
**Attachments:** image001.png (68K)

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Regarding your request for deposition dates, I have contacted the various State-affiliated deponents on your list, and we propose the following days:

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One additional matter – Ida Traschen is retired and lives in Troy, NY, roughly 160 miles from the Eastern District Courthouse. We would like to request that her deposition be taken by telephone pursuant to Federal Rule of Civil Procedure 30(b)(4). Please let me know if you object to a telephonic deposition for Ms. Traschen. If you want to depose her in person, we could conduct her deposition in Albany, and OAG would be happy to provide a conference room.

Best,

James



**James M. Thompson | Assistant Attorney General**

New York State Office of the Attorney General, Litigation Bureau

28 Liberty Street, 17<sup>th</sup> Floor | New York, NY 10005

Tel: (212) 416-6556 | [James.Thompson@ag.ny.gov](mailto:James.Thompson@ag.ny.gov)

**From:** nry4@aol.com <nry4@aol.com>  
**Sent:** Wednesday, January 29, 2020 8:33 PM  
**To:** Thompson, James <James.Thompson@ag.ny.gov>  
**Subject:** Re: Deposition dates demand

I demand dates in a timely fashion, in compliance with my request,

or I will begin motion practice to compel.

This should not be difficult.

Mario H. Capogrosso

-----Original Message-----

**From:** Thompson, James <[James.Thompson@ag.ny.gov](mailto:James.Thompson@ag.ny.gov)>  
**To:** [nry4@aol.com](mailto:nry4@aol.com) <[nry4@aol.com](mailto:nry4@aol.com)>  
**Sent:** Wed, Jan 29, 2020 5:02 pm  
**Subject:** RE: Deposition dates demand

Dear Mr. Capogrosso,

Unfortunately, I don't have proposed dates for you as yet. I will follow up on this and hope to have a preliminary response for you by early next week.

Best,

James



**James M. Thompson | Assistant Attorney General**  
New York State Office of the Attorney General, Litigation Bureau  
28 Liberty Street, 17<sup>th</sup> Floor | New York, NY 10005  
Tel: (212) 416-6556 | [James.Thompson@ag.ny.gov](mailto:James.Thompson@ag.ny.gov)

**From:** [nry4@aol.com](mailto:nry4@aol.com) <[nry4@aol.com](mailto:nry4@aol.com)>  
**Sent:** Wednesday, January 22, 2020 5:15 PM  
**To:** Thompson, James <[James.Thompson@ag.ny.gov](mailto:James.Thompson@ag.ny.gov)>  
**Subject:** Deposition dates demand

[EXTERNAL]

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

---

MARIO H. CAPOGROSSO,

Plaintiff

-against-

DEMAND FOR

DEPOSITION DATES

ALAN GELBSTEIN, in his official and individual capacity;

BOSHRA VAHDATLAMAS, (also known as BUSHRA VAHDAT) in her official and individual capacity;

IDA TRASCHEN, in her official and individual capacity;  
ELIZABETH PRICKETT-MORGAN, in her official and individual capacity;  
JEAN FLANAGAN, in her official and individual capacity;  
VINCENT PALMIERI, in his official and individual capacity;  
DANIELLE CALVO, in her official and individual capacity;  
SADIQ TAHIR, in his individual capacity;  
PEC GROUP OF NY, INC.;  
DAVID SMART, in his individual capacity;  
JOHN AND JANE DOE.

Defendants

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Pursuant to Rules 27 – 32 of the Federal Rules of Civil Procedure the Plaintiff, Mario H. Capogrosso, demands the State Defendants' Gelbstein, Traschen and Calvo **provide a date, and three alternative dates**, upon which their deposition upon oral examination may be taken. Plaintiff demands a response within seven days (7) of the service of this discovery request to be provided at Plaintiff's current address listed below.

Dated: January 22, 2020

New Rochelle, NY

Submitted,

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Mario H. Capogrosso

21 Sheldrake Place

New Rochelle, NY 10804

(914) 806-3692

**IMPORTANT NOTICE:** This e-mail, including any attachments, may be confidential, privileged or otherwise legally protected. It is intended only for the addressee. If you received this e-mail in error or from someone who was not authorized to send it to you, do not disseminate, copy or otherwise use this e-mail or its attachments. Please notify the sender immediately by reply e-mail and delete the e-mail from your system.

1 Attached Images



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

\_\_\_\_\_ X

MARIO H. CAPOGROSSO

Plaintiff

-against-

18 CV 2710

ALAN GELBSTEIN, et. al

**AFFIRMATION OF SERVICE**

Defendants.

\_\_\_\_\_ X

I, Mario H. Capogrosso, declare under penalty of perjury that I have served a copy of the attached Letters Seeking Deposition Dates at Courthouse and Clarification as to Deposition Transportation Costs

upon:

James Thomson  
(representing Defendants  
Gelbstein, Traschen, Vahdat, Palmieri, Flanagan, Calvo,  
and Prickett-Morgan)  
Assistant Attorney General  
28 Liberty Street  
New York, NY 10005

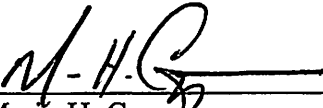
Sadiq Tahir  
2994 Coney Island Avenue  
Brooklyn, NY 11235

Pec Group of NY  
935 S. Lake Blvd. #7  
Mahopac, NY 10541

David Smart  
2875 West 8<sup>th</sup> Street  
Brooklyn, NY 11224

via U.S. Postal Service First Class Mail, this 11<sup>th</sup> day of February 2020.

February 11, 2020  
New Rochelle, New York



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Mario H. Capogrosso  
21 Sheldrake Place  
New Rochelle, NY 10804  
(914) 806-3692